

Message Text

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ACTION EB-07

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AGR-10 AID-05 CIAE-00 COME-00 INR-07 LAB-04 NSAE-00

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TAGS: UNCTAD WIPO ETRD

SUBJ: UNCTAD: GOVERNMENT EXPERTS ON ROLE OF PATENTS IN TRANSFER
OF TECHNOLOGY

1. GENERAL DEBATE COMPLETED SEPTEMBER 4. MORE SPECIFIC ISSUES
NOW BEING DEBATED UNDER BROADER HEADINGS OF SECRETARIAT'S AGENDA.
GROUP OF 77 REJECTED GROUP B'S SUGGESTION FOR A DETAILED ELABORA-
TION OF PROPOSED AGENDA.

2. IN GENERAL DEBATE GROUP B COUNTRIES EXPRESSED SYMPATHY WITH
DEVELOPING COUNTRIES' PROBLEMS AND DESIRE TO ASSIST IN REACHING
EQUITABLE SOLUTIONS AFTER REAL FACTS OF IMPACT OF PATENTS ON TECH-
NOLOGY TRANSFER TO DEVELOPING COUNTRIES ARE KNOWN BUT WITHOUT UN-
NECESSARY AND PREMATURE CHANGES IN PARIS CONVENTION. U.S., FRG,
UK, SWITZERLAND, WITH SOME SUPPORT FROM JAPAN, NORWAY AND SWEDEN,
MADE ABOVE POINT. CANADA INDICATED THEY THEMSELVES QUERIED VALUE
OF PATENT SYSTEM AND REFERRED TO POSSIBLE CHANGES IN ITS OWN PA-
TENT LAWS PER AUGUST MONTREAL ABA PATENT SECTION SPEECH BY CANADA
COMMISSIONER OF PATENTS.

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3. DEVELOPING COUNTRIES EXPRESS FRUSTRATION IN ATTEMPTS TO SOLVE

THEIR PROBLEMS AND FEEL PATENTS ARE USED AGAINST THEM WHICH IS ONE MAJOR REASON THEY ARE STILL UNDEVELOPED. MOST PATENTS IN DEVELOPING COUNTRIES ARE HELD BY OTHERS AND ARE NOT LOCALLY USED. THINK REVISION OF PARIS CONVENTION IN THEIR FAVOR WILL SOLVE THEIR PROBLEMS. BRAZIL, ARGENTINA, CUBA, INDIA, VENEZUELA, COLOMBIA, MEXICO, ETHIOPIA AND YUGOSLAVIA GIVE STRONGEST SUPPORT TO THIS VIEW, ALTHOUGH CUBA AND TUNISIA SEEM MOST INTERESTED IN PRACTICAL HELP FROM DEVELOPED COUNTRIES.

4. GROUP D COUNTRIES (USSR IS NOT REPEAT NOT REPRESENTED) PUSH INVENTORS' CERTIFICATES, BUT ALSO STRONGLY SUPPORT VALUE OF PATENTS IN DEVELOPING COUNTRIES. SUPPORT OF PARIS REVISION EXPRESSED BY GDR.

5. GROUP OF 77 ASKED GROUP B FURNISH CHAIRMAN OF MEETING AND CORRECTION OF CANADA CHOSEN.

6. GROUP B HAS AGREED ON A DRAFT OF RECOMMENDATIONS FOR ACTION WHICH WOULD ULTIMATELY EMERGE FROM PATENT EXPERTS GROUP STRATEGY FOR ITS PRESENTATION TO OTHER GROUPS NOT YET DECIDED. TEXT FOLLOWS: BEGIN QUOTE

"THE GROUP OF GOVERNMENTAL EXPERTS ON THE ROLE OF THE PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY RECOMMENDS THAT THE UNCTAD SECRETARIAT SHOULD BE REQUESTED:

(1) TO CONTINUE TO CONTRIBUTE TO THE DELIBERATIONS OF THE COMPETENT BODIES OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION CHARGED WITH THE TASK OF STUDYING THE POSSIBLE REVISION OF THE PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY AND ESPECIALLY TO DRAW THE ATTENTION OF THESE BODIES TO THE FOLLOWING ECONOMIC, COMMERCIAL AND DEVELOPMENTAL ASPECTS OF PATENT PROTECTION:

A) THE NECESSITY OF STRIKING AN EQUITABLE BALANCE BETWEEN THE PUBLIC INTEREST AND PRIVATE INTERESTS;
B) THE NECESSITY FOR ADEQUATE FLEXIBILITY TO PERMIT NATIONAL OR REGIONAL PATENT LEGISLATION COMPATIBLE WITH THE DEVELOPMENT POLICY OF DEVELOPING COUNTRIES;
C) THE NEED TO STIMULATE INDIGENOUS INVENTIVE ACTIVITIES AS WELL AS TO PROMOTE AND FACILITATE THE TRANSFER OF TECHNOLOGY UNDER FAIR AND

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REASONABLE CONDITIONS, THEREBY ASSISTING IN THE DEVELOPMENT OF LOCAL INDUSTRIES;
D) THE IMPORTANCE OF LOCAL OR REGIONAL WORKING OF PATENTED TECHNOLOGIES FOR THE INDUSTRIALIZATION OF DEVELOPING COUNTRIES;
E) THE NECESSITY OF APPROPRIATE REMEDIES FOR ANY ABUSES OF PATENTS;
F) THE DESIRABILITY OF TECHNICAL ASSISTANCE PROVIDED

BY WIPO TO DEVELOPING COUNTRIES WITH PARTICULAR EMPHASIS ON THE ESTABLISHMENT OF REGIONAL OR NATIONAL DOCUMENTATION CENTERS TO SERVE LOCAL INDUSTRIES.

2) TO MAKE STUDIES ON THE FOLLOWING:

A) FACTORS CONTRIBUTING TO LCOAL WORKING AND NON-WORKING OF PAPTENTED TECHNOLOGIES IN IMPORTING COUNTRIES WITH A VIEW TO UNDERSTANDING THE RESAONS

FOR SUCH WORKING OR NON-WORKING AND CASES WHERE EITHER ACTUAL WORKING OR FAILURE TO WORK LOCALLY MAY HAVE PROVED HARMFUL, PARTICULARLY TO DEVELOPING COUNTRIES' INTERESTS.

B) THE CONSEQUENCES OF COMPUSORY LICENSES GRANTED IN DEVELOPING COUNTRIES.

3) TO EXAMINE:

A) THE POSSIBILITIES OF EXCHANGE OF INFORMATION BETWEEN DEVELOPING COUNTRIES ON TECHNOLOGIES ALREADY SUCCESSFULLY APPLIED IN OTHER DEVELOPOING COUNTRIES:

B) THE POSSIBILITIES OF ASSISTING DEVELOPING COUNTRIES IN EVALUATING AND SELECTING TECHNOLOGIES APPROPRIATE TO THEIR NEEDS AND DEVELOPMENTAL OBJECTIVES". END QUOTE

7. ACCORDING TO INFORMAL CONTACT WITH KEY G-77 DELEGATION (BRAZIL), G-77 APPROACH IS STRICLTLY FRIENDLY AND NON-CONFRONTATIONAL. THEY ARE DRAFTING "AGREED CONCLUSIONS DEALING STRICTLY WITH "ECONOMIC, COMMERCIAL AND DEVELOPMENTAL" ASPECTS OF PATENTS AS FOLLOWS:
(A) "CONCEPTS" WHICH SHOULD BE TAKEN INTO ACCOUNT IN REVISION OF PARIS CONVENTION AND ON FURTHER WORK ON SUBJECT. THESE INCLUDE: GIVING RECOGNIZTION TO PUBLIC
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AS WELL AS PRIVATE INTERESTS, PAYING DUE ACCOUNT TO DEVELOPMENTAL OBJECTIVES; GIVING DUE REGARD TO TRANSFER OF TECHNOLOGY OBJECTIVES, ETC.
(B) PROPOSED LIST OF STUDIES TO BE CARRIED OUT BY UNCTAD AND/OR WIPO, OR BOTH. ABRAMS

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